

A meeting of the Jasper County Plan Commission was held Monday, August 22, 2016 at 7:15 pm in the Commissioners' Room of the Jasper County Courthouse, Rensselaer, Indiana. Members present: Gerrit DeVries, Jim Martin, Sandra Putt, Jim Walstra, John Korniak, Todd Peterson, Vince Urbano, and Bryan Overstreet. Also present: Todd Sammons, Randle and Sammons, Mary Scheurich, Director of Planning and Development; Kelli Standish, Secretary. Absent were: Justin Rodibaugh.

Meeting was called to order by Board President Sandra Putt. The first order of business was the call for approval of the July 2016 minutes.

Todd Peterson made the motion to approve the July 2016 minutes. Motion was seconded by Jim Walstra and carried unanimously.

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Rezone

Cause#PC-7-16

Landowner: Andrew Pitstick

Location: Sec.19-30-6 – Union Twp. - Hwy 231 N. of St.Rd. 14 W-side

Use: Rezone GC to A1

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Public hearing held pursuant to notice July 5, 2016 in the Rensselaer Republican, a daily newspaper of general circulation printed and published in Jasper County, Indiana; also pursuant to notice to adjacent landowners given by certified mail, return receipts requested. All as shown by the affidavit of Becky Coffey, Clerk of the Rensselaer Republican, and return receipts submitted by the applicant.

Sandra Putt asked Andrew Pitstick if he had any changes to his application since last month's meeting.

Andrew Pitstick replied that there are no changes to his application.

Sandra Putt asked if the board members had any questions from the minutes from last month's meeting?

John Korniak asked Attorney Sammons if he has looked over the application since they continued the application because the board members wanted his input on a few things.

Attorney Sammons replied that you can rezone the application based on the evidence that is presented to you and if the board feels there is a need for the rezone. He then asked Andrew Pitstick that it is his understanding that you want to put 180 gilts there and 10 boars and then farrow them, which then you will be over the number of swine that is allowed in an A1 district quick.

Andrew Pitstick replied that if he ends up farrowing on this site then he will be over the number he is allowed in the A1 district. But he may just use this site as a gestation farm. He found out that a mother and her babies are considered one animal unit

as long as they are not weaned yet.

Attorney Sammons replied that he does not think there is anything in our book that defines what a liter is. He feels that the way the code reads is that any live pig is considered one animal, not the mom and her babies are considered as one.

Andrew Pitstick stated that his understanding of the code book is if they are confined and not on pasture then the keeping of animals would only apply if they are on pasture. If they are confined and under 200 head of swine to him then he would be under the 200 requirement for a confined feeding operation. There have been swine on the property in the past years so he doesn't know why there would be a problem with it now.

Gerrit DeVries stated that St.Rd. 14 is major interchange with I-65 not being too far from there. To him as a business man St.Rd. 14 & Hwy 231 should remain as a commercial type intersection. He would not like to see that particular intersection be anything other than business zoning. If the applicant did obtain rezone approval it sounds like his only option would be for him to buy more land so he has enough land to cover the amount of swine he proposed to have.

Sandra Putt stated that the board must pay reasonable regard to the following in Article 9, Rezone 9.20 (E)(7)(a)(i) through (v).

- (i) The Jasper County Comprehensive Plan.
- (ii) Current conditions and the character of current structures and uses in each district.
- (iii) The most desirable use of which the land in each district is adapted.
- (iv) The conservation of property values throughout the jurisdiction.
- (v) Responsible development and growth.

Andrew Pitstick stated that he feels the proposed farm he plans on having is a microfarm compared to what farms are out there. The building he just put up is off the road so he feels people wouldn't know that there are pigs in the building other than there being an odor once in awhile.

Sandra Putt asked if anyone present had any new information that they wanted to say that was not said at the last hearing?

Markus Davis was present and stated that there is a definition in the code book for pasture land and how much vegetation is on the ground they pasture in a year. This reduces the number of animals on his property since you have to consider the number of buildings on the property, the lagoons, driveways and the woods. He wondered if the applicant was to obtain approval for the rezone if the existing buildings would be grandfathered in since they do not meet the set-back requirements?

Nicole Davis was present and stated that just because the property has been used as a hog out market in the past doesn't mean it should be changed to raise swine year round. She is concerned about the odor since there is currently an odor.

Andrew Pitstick replied that his goal is to move the pigs to the new building which is approximately 500-600 feet behind the existing building and he hopes this will decrease the current odor.

John Korniak asked how many pigs can Mr. Pitstick have on the property?

Attorney Sammons replied that Mr. Pitstick can have 10 pigs per acreage according to the Section of "Keeping of Animals" in the UDO.

Jim Martin asked if Mr. Pitstick could have 99 swine in the current zoning which is GC (General Commercial)?

Mary Scheurich replied in the negative. That is why they are requesting to rezone the property to A1 so he can have swine on the property.

John Korniak stated that he is concerned with the lagoons that are located on the property. He does not know if there are rules with IDEM in regards to non-used lagoons. He asked Mr. Pitstick what he is doing with the manure.

Andrew Pitstick replied that he will be hauling some of it. There are two water troughs that run inside the building the water from them drains into the lagoons right now. His plans are to farrow in the existing building and he will use straw bedding and use bedding in the back building, which would be dry manure.

Jim Martin asked if we can rezone the property knowing they don't meet the development standard or do they have to do a special exception?

Mary Scheurich replied that this is an existing piece of property so they do not have to comply with the current A1 development standards.

John Korniak stated that he doesn't know who else would be interested in purchasing a piece of property that has two lagoons on it if they aren't going to use for some type of animal business.

Jim Walstra asked Mr. Pitstick if it is feasible for him if he can only have approximately 100 animals on the property.

Andrew Pitstick replied affirmatively.

Gerrett Dobson was present and stated that he lives and farms in the area and he is all for agricultural but at some point is livestock going to be anywhere else in Jasper County other than between 14 and 500 North? We have every hog in Jasper County, we have all the dairy cows and most of the beef cows and now we're going to let some make belief Swamp Jockey over here with a mess of a hog farm at some point this stuff has to stop. I would rather have a 4000 head finishing barn because it wouldn't smell as bad and

they take care of the manure and they do a better job managing it. It's going to be a fly infested mess and it's time some of this stuff gets stopped.

Markus Davis stated that he has done some research in other states in regards to the lagoons. There are studies, research and procedures going on for digging sludge out of the lagoons and filling them with viable material and actually build on them in the future. He had spoke to an employee of Mr. Pitstick sometime in July and she informed him that they were wheel barrowing the manure into the lagoons. We haven't seen any manure being hauled out. He has found where if a lagoon has been abandon for so long it becomes a pond. He seconded what Gerrett Dobson stated.

Andrew Pitstick replied that there was a lady that did work for him and for some reason she did wheel barrow the manure to the lagoons and they have put a stop to that happening.

Gerrit DeVries stated from his perspective he would not want to see the zoning be changed.

Gerrit DeVries made the motion to recommend denial of the rezoning from GC to A1 to the Board of County Commissioners. Motion was seconded by Jim Walstra and carried with a vote of five members in favor and Todd Peterson, John Korniak and Vince Urbano opposed.

Andrew Pitstick stated that he let Mary know what he was doing when he got the permit. I want to know why my permit was approved.

Mary Scheurich replied that we informed Mr. Pitstick that if he was going to put pigs on the property he would need to rezone the property since GC does not allow animals on the property. He knew there was a chance that the zoning would not get approved. Which is why he hesitated on getting a post frame permit and then decided to go ahead and obtain a building permit?

Attorney Sammons stated that the building is not in violation correct.

Mary Scheurich replied affirmatively.

Kelli Standish stated that our office found out a few days after he obtained his building permit that he already had pigs on the property when he came in to get the building permit.

Andrew Pitstick asked if he decides he does not want to put pigs there can he do something agricultural there?

Attorney Sammons replied that you can do what is permitted in the GC zoning district.

Applicant: Herschel & Judith Florence

Location: Pt. lot 20 Pon & Co DeMotte Farms Sub'd. -Sec.9-31-7 – Keener Twp.

Use: Primary Approval for a 2-lot replat - 950W. & 950N.

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Michelle Bishop was present and stated that she is the Power of Attorney for her parents Herschel and Judith Florence. They obtained R2 zoning for the property in February 2016 and are now asking for a 2-lot replat. The surveyor stated in a letter that the corner pins have not been marked yet in case there are any changes that need to be made. Her parents will have 1 acre with their existing home and the other lot will have 1.9 acres that her daughter plans to construct a home on.

Mary Scheurich stated that the reason they only have 50 feet of road frontage is because they only need 75% of the required 65ft. for the R2 district.

Sandra Putt asked if anyone present had any opposition to the application.

Jon Hubers was present and stated that he owns a lot of ground in that area and it was his understanding that you could split your property one time and that was it.

Joe DeMeter was present and wanted to see how the property was laid out. He didn't think the county was approving flag shaped lots anymore (meaning lots with 30ft-50ft. of frontage and then widening out). Is it correct that you are asking to replat the lots for a hardship case for a temporary situation?

Michelle Bishop replied in the negative. This was never going to be a temporary situation.

Bryan Overstreet made the motion to grant primary approval for a 2-lot replat subdivision. Motion was seconded by Jim Walstra and carried unanimously.

Applicant: Amendment to the Codes of Jasper County Flood Maps

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Public hearing held pursuant to notice May 13, 2016 in the Rensselaer Republican, a daily newspaper of general circulation printed and published in Jasper County, Indiana; also pursuant to notice to adjacent landowners given by certified mail, return receipts requested. All as shown by the affidavit of Becky Coffey, Clerk of the Rensselaer

Republican, and return receipts submitted by the applicant.

Mary Scheurich stated that she has nothing new from when she presented the amendments to the board. The board makes a recommendation to the Board of County Commissioners.

Jim Walstra replied that there really isn't anything they can do since these are State Statutes.

Mary Scheurich replied affirmatively. These amendments need to be updated. You can get stricter but not lesser.

Jim Walstra asked if this was attached to our UDO.

Mary Scheurich replied affirmatively.

Sandra Putt asked if anyone present had any opposition to the proposed amendments. There was none.

Jim Walstra made the motion to recommend approval of the amendment to the Flood Plain that had been presented to us in the past to the Board of County Commissioners. Motion was seconded by Todd Peterson and carried unanimously.

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Upon motion duly made and seconded, meeting was adjourned.

A TRUE RECORD;

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Sandra Putt, President